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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,304	12/28/2001	Tara A. Burnhouse	871.0103.U1(US)	2753

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EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,304

Applicant(s)

BURNHOUSE ET AL.

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al (US Patent No 6144848) in view of Mager (US Patent No 6643371 B2).

Regarding claims 1 and 3, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display comprising: a system for displaying the transfer rates in an alphanumeric mode or an alternative graphics mode (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of a system for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric

keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line 60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Regarding claim 2, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a keypad on a portable radio communication device (col. 15, lines 24- 32; col. 25, lines 35-44; col. 29, lines 3-15; col. 33, lines 10-25).

Regarding claim 4, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a menu selectable feature displayed on the display (col. 4, lines 10-47; col. 35, line 21- col. 36, line 26).

Regarding claim 5, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, further comprising a system for inactivating display of the data transfer rate on the display (col. 17, line 5- col. 18, line 41).

Regarding claim 6, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises means for not displaying the transfer rates in either the alphanumeric mode or the graphics mode (col. 18, line 34- col. 19, line 33).

Regarding claim 7, Walsh et al as modified discloses a mobile radio telephone (figs. 1-5) comprising: a display; a transceiver; and a controller coupled to the display and the transceiver (col. 25, lines 17-67), wherein the controller further comprises the system for displaying data transfer rates (col. 20, line 24- col. 21, line 16).

However, Walsh et al does not specifically disclose a system for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric

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keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line 60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Regarding claim 8, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5) having a display and a transceiver for transmitting and receiving data, the improvement comprising: means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format (col. 33, lines 10-25; col. 31, lines 16- 37).

Regarding claim 9, Walsh et al discloses a mobile radio communication device (figs. 1-5) further comprising means for displaying the data transfer rate on the display in a graphical format (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose a means for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry

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mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line 60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Regarding claim 10, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5), wherein the means for switching comprises a user actuatable keypad (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claims 11-13, Walsh et al discloses a mobile radio communication device (figs. 1-5) comprising: a transceiver; a controller coupled to the transceiver; a display coupled to the controller, wherein the controller is adapted to display on the display a data transfer rate of data by the transceiver (col. 33, lines 10-25; col. 31, lines 16- 37; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of a system for inactivating display of the data transfer rate on the display while the transceiver is transmitting or receiving the data; wherein the controller is adapted to display the data transfer rate in either an

alphanumeric format or a graphical format; a system for allowing a user to switch between display of the data transfer rate in either the alphanumeric format or the graphical format.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line

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60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Regarding claim 14, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5), wherein the system for allowing a user to switch between display formats comprises a menu selectable feature (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 15, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5), wherein the menu selectable feature also allows the user to activate the system for inactivating display of the data transfer rate (col. 17, line 5- col. 18, line 41).

Claims 16 contains similar limitations addressed in claim 11, and therefore is rejected under a similar rationale.

Regarding claims 17-18, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, the method comprising steps of: selecting, by a user, a data transfer rate display mode from a plurality of data transfer rate display modes (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of displaying the data transfer rate on the display based upon the selected data transfer rate display mode, wherein the plurality of data transfer rate display modes comprises an alphanumeric display mode and a graphical display mode.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line 60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system

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of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Regarding claim 19, Walsh et al as modified discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the plurality of data transfer rate display modes further comprises an OFF display mode which prevents displaying of the data transfer rate on the display (col. 15, line 20- col. 16, line 7).

Regarding claim 20, Walsh et al as modified discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the step of selecting a data transfer rate display mode comprises selecting the display model from a menu of available display modes displayed on the display (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 21, Walsh et al discloses a method (figs. 1-3) of changing displaying of a data transfer rate on a display of a portable communication device, the method comprising steps of: selecting, by a user, to turn a displaying feature of the data transfer rate ON or OFF (col. 15, line 8- col. 16, line 57); and during data transfer by the portable communication device, a controller of the portable communication device, connected to the display (col. 31, lines 16-37; col. 35, line 21- col. 36, line 33; col. 19, line 23- col. 20, line 53; col. 22, lines 7- 23; col. 33, lines 10-25).

However, Walsh et al does not specifically disclose the step of preventing the display from displaying the data transfer rate when the user has selected to turn the displaying feature OFF.

On the other hand, Mager, from the same field of endeavor, discloses a cellular phone with a conventional keypad where the twenty-six letters, A to Z, are assigned to eight numeric

keys having corresponding numbers two to nine. The keypad provides a graphic display of the letters and numeric digits that are assigned to the keys (col. 2, lines 15-43). The controller then accesses a key map in memory to determine the letter or numeric digit selected by the user. The data entry mode selector module contains program instructions executed by the controller that detect a mode that the device is operating in. The device can operate in either numeric mode or alphanumeric mode. In numeric mode, the controller interprets activation of each data entry key as numeric input selections (col. 4, lines 25-67). In addition, the data entry mode selector module determines the selection between the numeric and alphanumeric modes by detecting a current task of the user. For instance, when the user selects the task of generating an SMS message, the controller detects the task selection, and in accordance with a pre-assigned data entry mode for this task, the data entry selector module sets the controller to operate in alphanumeric data entry mode. Similarly, when the user wants to dial a telephone number or add a telephone number to a listing in the cell phone, and the user selects the appropriate task via a selection on a displayed menu, the data entry selector module sets the controller to numeric data entry mode. A user, using a data entry mode activator, such as a button, performs the selection of alphanumeric mode or numeric mode explicitly. Furthermore, a shift selector, such as a button or switch, is provided on the device. The shift selector may be implemented in a variety of ways to allow a user to conveniently enter data in a combination of upper case and lower case (col. 5, line 38- col. 6, line 60; col. 7, lines 5-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Mager to the communication system of Walsh in order to provide a cellular telephone that includes a keypad where the keypad provides a graphic display of the letters and numeric digits that are assigned to the keys.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

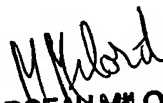
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vuong B. Quochien can be reached on 571-272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord
Primary Examiner
Art Unit 2682


MARCEAU MILORD
PRIMARY EXAMINER